

Application No. 09/058,170
Amendment dated May 27, 2005

Atty. Docket No. ST9-97-130
(13296/3)
PATENT APPLICATION

REMARKS

Claims 1, 4-13, 16-25, 28-37, 40-48, and 49-82 are all the claims pending in the application. Applicants are filing an appropriate additional claims fee form herewith.

Applicants have reinstated cancelled claims 2, 3, 14, 15, 26, 27, 38, and 39 as claims 49-56, respectively, with the same dependencies as the previously-cancelled claims. The Examiner had held previously that claims 3, 15, 27, and 39 were patentable. Applicants have removed the limitations of allowable claims 3, 15, 27, and 39 from independent claims 1, 13, 25, and 37, respectively, and have added a limitation based on language on page 8 of the Board's decision to clarify that the program parameters are not data, but instead are parameters used by the program for its internal operation.

Also in view of the discussion on page 8 of the Board's decision, Applicants have added claims 57-82, with independent claims 57, 69, 81, and 82 corresponding to independent claims 1, 37, 13, and 25, respectively, but reciting (instead of the language regarding "parameters of the program") that the tasks in question (at least one of loading, installation, migration, fallback, remigration, and update tasks of a computer program) relate to installing or updating the program within a context of an operating system. Based on the Board's remarks, Applicants submit that these claims are patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The Office is hereby authorized to charge any fees, or credit any overpayments, to
Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: May 27, 2005

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CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this paper is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 27, 2005.

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